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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

13 UNITED STATES OF AMERICA,) **NO: CR-07-00622(JF)**
14 Plaintiff,) **STIPULATION AND**
15 vs.) **[PROPOSED] ORDER TO**
16 MARK ALFRED FIRST) **CONTINUE DECEMBER 5,**
17 Defendant.) **2007 STATUS CONFERENCE**
18) **AND EXCLUDE TIME**

19 IT IS HEREBY STIPULATED by and between Assistant United States Attorney, Joseph
20 Fazioli, counsel for plaintiff, and Richard P. Pointer, counsel for defendant, Mark Alfred First in the
21 above mentioned case, that the status conference now scheduled for December 5, 2007 at 9:00 a.m.,
22 is continued to December 19, 2007, at 9:00 a.m., or as soon thereafter as is convenient to the Court.

23 It is agreed between the parties that the following reasons exist for this stipulation:

24 (1) Defense counsel is in trial in state court in the matter of People vs. Anthony Uckele, case
25 number: CC633434.

26 No party objects to the requested continuance.

27 IT IS FURTHER STIPULATED that the time for trial under the Speedy Trial Act continue

1 to be excluded from December 5, 2007, through December 19, 2007, pursuant to 18 U.S.C. section
2 3161(h)(8) (A) and (B)(ii) and (iv), Local Codes T-2 and T-4.

3 IT IS SO STIPULATED.

4 Dated: November 26, 2007

JOSEPH FAZIOLI
Counsel for Plaintiff

6 Dated: November 26, 2007

RICHARD P. POINTER
Counsel for MARK ALFRED FIRST

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Attorneys for Defendant
MARK ALFRED FIRST

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,) NO: CR-07-00622 (JF)
Plaintiff,)
vs.)
MARK ALFRED FIRST,)
Defendant.)
ORDER CONTINUING
STATUS CONFERENCE
AND EXCLUDING TIME

Accordingly, for good cause shown,

IT IS HEREBY ORDERED that the status conference scheduled for December 5, 2007 is continued to December 19, 2007, at 9:00 a.m.

THE COURT FURTHER ORDERS time be excluded under the Speedy Trial Act from December 5, 2007 to December 19, 2007. The court finds, based on the aforementioned reasons, that the ends of justice is served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. section 3161(h)(8)(A) and (B)(iv).

SO ORDERED.
December 4.

Dated: November , 2007


JEREMY FOGEL
United States Judge